

Notice of Allowability

Application No.

10/000,136

Examiner

Kuo-Liang Peng

Applicant(s)

SALAMONE ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/1/04 Response.
2. ☒ The allowed claim(s) is/are 7-13 and 19-28.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 1004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Kuo-Liang Peng
Primary Examiner
Art Unit: 1712

DETAILED ACTION

1. Applicants' response filed on September 1, 2004 was received.
2. Because the identifiers (Previously amended) for Claims 8-10 and 19-27 are improper, the identifiers are replaced with (Previously presented) as shown below.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel Claims 1-6 and 14-18.

Replace the whole contents of Claims 8-10 and 19-27 with --

Claim 8 (Previously presented) A polymeric composition produced through the copolymerization of one or more monomers of claim 7 with one or more aromatic or non-aromatic non-siloxy-based monomers.

Claim 9 (Previously presented) A polymeric composition produced through the copolymerization of one or more monomers of claim 7 with one or more hydrophobic monomers.

Claim 10 (Previously presented) A polymeric composition produced through the copolymerization of one or more monomers of claim 7 with one or more hydrophilic monomers.

Claim 19 (Previously presented) A polymeric composition produced through the copolymerization of one or more monomers of claim 7 with one or more aromatic or non-aromatic non-siloxy-based monomers and one or more strengthening agents.

Claim 20 (Previously presented) A polymeric composition produced through the copolymerization of one or more monomers of claim 7 with one or more hydrophobic monomers and one or more strengthening agents.

Claim 21 (Previously presented) A polymeric composition produced through the copolymerization of one or more monomers of claim 7 with one or more hydrophilic monomers and one or more strengthening agents.

Claim 22 (Previously presented) A polymeric composition produced through the polymerization of one or more monomers of claim 7 with one or more strengthening agents.

Claim 23 (Previously presented) A polymeric composition produced through the copolymerization of one or more monomers of claim 7 with one or more aromatic or non-aromatic non-siloxy-based monomers and one or more crosslinking agents.

Claim 24 (Previously presented) A polymeric composition produced through the copolymerization of one or more monomers of Claim 7 with one or more hydrophobic monomers and one or more crosslinking agents.

Claim 25 (Previously presented) A polymeric composition produced through the copolymerization of one or more monomers of claim 7 with one or more hydrophilic monomers and one or more crosslinking agents.

Claim 26 (Previously presented) A polymeric composition produced through the polymerization of one or more monomers of claim 7 with one or more crosslinking agents.

Claim 27 (Previously presented) The polymeric composition of claim 19, 20, 21 or 22 wherein said one or more strengthening agents are selected from the group consisting of cycloalkyl acrylates and cycloalkyl methacrylates. --

4. Authorization for this examiner's amendment was given in a telephone interview with Mr. Craig E. Larson on October 21, 2004.

The application has further been amended as follows:

In Claim 7, replace the whole content of the last two lines (i.e., may beC₁ alkyl.) with -- may be the same or different and is an integer greater than or equal to 1, but less than 20. --

5. Claim rejection(s) under 35 USC 102 in the previous Office Action (Paper No. 0504) is/are removed.

Allowable Subject Matter

6. Claims 7-13 and 19-28 are allowed.

7. The following is an examiner's statement of reasons for allowance:

The present claims are allowable for at least the following reason(s) over the closest references: Toyoshima (US 4 954 586) and McGee (US5 336 797).

None of the above references teaches or fairly suggests a polymeric composition derived from the siloxysilane monomer set forth in the present invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 21, 2004

Kuo-Liang Peng
Primary Examiner
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KUO-LIANG PENG
PRIMARY EXAMINER